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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,759	06/09/2006	Mark John Goulding	MERCK-3113	3208
23599 7590 02/06/2009 MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201				
EXAMINER				
WU, SHEAN CHIU				
ART UNIT		PAPER NUMBER		
1795				
MAIL DATE		DELIVERY MODE		
02/06/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,759

Applicant(s)

GOULDING ET AL.

Examiner

Shean C. Wu

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 2-4, 6, 10, 12, 24, 25, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 5, 7-9, 11, 14-23, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 2, 10, 12 and 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, on line one, the word "one" is vague because the notation z is defined at least two. Also, the condition at the end of the claim phrase should be modified because z is defined as at least two.

In claims 10 and 24, the 3rd line from bottom of the claim, the phrase "wherein one or two non-adjacent CH_2 groups are optionally replaced by O and/or S" is vague because the A is selected from O and/or S containing groups such as furan, thiophene, thienthiophene and dithienothiophene.

In claim 12, the formulae Ia-Ij, In and Io do not have an antecedent basis because the notation " z " is defined between 2 to 5000.

In claim 25, the formulae I2c does not have an antecedent basis because the compound is not encompassed by the formula IIA in claim 3.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

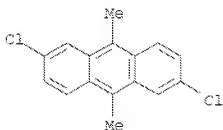
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3-4, 6, 24 and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by CAPLUS 1951: 13837.

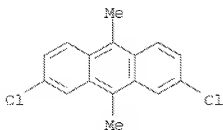
The reference compounds having 9, 10-disubstituted anthracene with additional di-substituted groups read on the present formula I1A and I2. See the compounds shown below:

725736-98-1P, Anthracene, 2,6-dichloro-9,10-dimethyl- ,
725737-00-8P, Anthracene, 2,7-dichloro-9,10-dimethyl-,
725737-27-9P, Anthracene, 1,3-dimethoxy-9,10-dimethyl- ,
855925-46-1P, Anthracene, 9,10-bis(bromomethyl)-1,4-dimethyl- ,
855951-74-5P, Anthracene, 9,10-bis(bromomethyl)-1,3-dimethoxy- ,
859331-84-3P, Anthracene, 9,10-bis(bromomethyl)-1,3-dimethoxy- ,
859331-86-5P, Anthracene, 9,10-bis(bromomethyl)-2,7-dichloro- ,
859331-88-7P, Anthracene, 9,10-bis(bromomethyl)-2,6-dichloro- and
859332-22-2P, Anthracene, 9,10-bis(methylamine), 2,6-dimethoxy-.

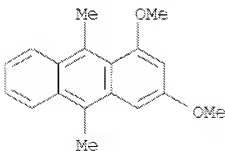
RN 725736-98-1 CAPLUS
CN Anthracene, 2,6-dichloro-9,10-dimethyl- (CA INDEX NAME)



RN 725737-00-8 CAPLUS
CN Anthracene, 2,7-dichloro-9,10-dimethyl- (CA INDEX NAME)



RN 725737-27-9 CAPLUS
CN Anthracene, 1,3-dimethoxy-9,10-dimethyl- (CA INDEX NAME)



The reference compounds anticipate the claimed compounds.

Allowable Subject Matter

4. Claims 5, 7-9, 11, 14-23, and 26-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claim 13 is allowed.

Response to Arguments

6. Applicant's arguments, see remarks, filed 1/8/09, with respect to the rejections in the previous office action have been fully considered and are persuasive in light of newly amended claims. Therefore, the rejections have been withdrawn. However, upon further consideration, anew grounds of rejection are made in view of the sections 1 and 3-4 cited above.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shean C. Wu whose telephone number is 571-272-1393. The examiner can normally be reached on 10:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kelly Cynthia can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shean C Wu/
Primary Examiner, Art Unit 1795

SCW